

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1544.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### MISBRANDING OF DR. CALDWELL'S RHEUMATISM CURE.

At the February, 1912, term of the District Court of the United States for the Southern District of New York, the grand jurors of the United States within and for said district, after presentation by the United States Attorney, acting upon a report by the Secretary of Agriculture, returned an indictment against "John" W. Horter, said first name "John" being fictitious, real name being to the jurors unknown, but who can be identified, late of the district aforesaid, charging shipment by him, in violation of the Food and Drugs Act, on or about July 25, 1910, from the State of New York into the State of Tennessee, of a consignment of Dr. Caldwell's Rheumatism Cure, which was misbranded. The product was labeled: "Dr. Caldwell's Rheumatism Cure. A certain cure for acute and chronic rheumatism in all its forms, gout, sciatica and lumbago. \* \* \* Sure to cure \* \* \* This medicine cures by expelling the acids from the blood \* \* \* restores the liver, kidneys, and skin to a healthy condition, \* \* \* thus effecting a permanent cure \* \* \* and preventing recurrence."

An analysis by the Bureau of Chemistry of this Department gave the following results: Alcohol, by volume, 14.5 per cent; salicylic acid, calculated as sodium salicylate, in 100 cc, 6.1694 grams; ammonium salt, calculated as ammonia (NH<sub>3</sub>), in 100 cc, 0.5671 gram; bromide is present; chloride is present; alkaloid (not identified) is present in very small amount; sodium is present; phosphate is present; heavy metals are absent. Misbranding was alleged in the indictment for the reason that the package in which the product was shipped failed to bear a statement on the label of the quantity or proportion of the alcohol contained therein, whereas in truth and in fact alcohol was contained in said product in the proportion of approximately 14.5 per cent by volume.

On March 18, 1912, the defendant entered a plea of guilty to the indictment and the court sentenced him to pay a fine of \$200.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 13, 1912.*